



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 3549-99

24 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the comments of your counsel

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were evaluated by a medical board on 5 February 1987, and given a diagnosis of patellofemoral disease, left knee, symptomatic, existed prior to enlistment (EPTE), not service aggravated. The medical board report indicates that you had injured your knee on two occasions prior to enlisting, and had undergone knee surgery. It noted that there was no evidence of trauma occurring after you commenced active duty. The medical board recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You apparently agreed with the findings and recommendation of the medical board, as you did not submit a statement in rebuttal thereto, you waived your right to appear before a physical evaluation board, and you requested that you be administratively discharged as soon as possible. You were discharged in accordance with your request on 12 February 1987, having completed thirty-one days of service.

In the absence of evidence which demonstrates that your pre-existing knee condition was incurred in or aggravated by your brief period of service, the Board was unable to

recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director